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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,104

10/31/2003

Deia Salah-Eldin Bayoumi

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EXAMINER

JARRETT, RYAN A

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/699,104		BAYOUMI ET AL.	
	Examiner		Art Unit	
	Ryan A. Jarrett		2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/31/03, 3/4/04, and 5/14/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 4, 11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/4/04, 5/14/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 3/4/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. There is no explanation of the relevance of reference 31, which is not in the English language.

The information disclosure statement filed 3/4/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. There is no copy of references 22, 40, or 41. These references are not easily obtainable by the Examiner. If the references are believed to be too voluminous then the portions of the references that caused them to be listed should be provided. However, it is not clear how textbooks on multivariate statistical analysis or Bayesian methods for nonlinear classification are material to the patentability of the existing claims.

Additionally, reference 50 has been improperly cited. U.S. Patent No. 6,324,523 is not issued to Sandoual.

Claim Objections

2. Claim 14 is objected to because of the following informalities: The acronym "ERP" should be defined at least once in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 9, 10, 12, and 14-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Madden et al. U.S. Patent No. 2002/0198618. Madden et al. discloses a method and system comprising: maintaining a database comprising scheduling and inventory data; controlling a manufacturing machine using at least in part the scheduling and inventory data; receiving real-time event notification data from the manufacturing machine; updating the database to reflect the real-time event notification data; wherein receiving real-time event notification data comprises receiving data indicating an intermediary event in a manufacturing process has been completed and data indicating manufacture of the item is complete; wherein updating the database

comprises updating the inventory data (e.g., Fig. 2, [0003], [0010], [0018], [0038], [0039], [0042], [0043], [0045], [0051], [0064], [0065], [0088]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madden et al. as applied to claim 1 above. Regarding claims 5 and 6, Madden et al. does not explicitly disclose retrieving "electronic drawing data" corresponding to the item to be manufactured. However, Madden et al. does disclose retrieving and transferring electronic instructions, derived from build sheets and assembly sheets, from the central server/database to the manufacturing equipment (e.g., [0003], [0038], [0065]). The assembly sheets identify the parts that are to be installed and the build sheets contain the instructions as to where and what processes are to be used in putting the parts identified on the assembly sheet together. Although Madden et al. does not explicitly use the term "drawing", it would have been obvious to one having ordinary skill in the art at the time the invention was made to use drawing data in the assembly/build sheets of Madden et al. since Madden et al. teaches that the assembly/build sheets identify the parts and the processes required to assemble the parts, and it is well known to use CAD

drawings to assist in the design of automobiles, and to use drawings to assist operators in the building and assembling of automobiles.

Regarding claims 7 and 8, Madden et al. does not explicitly disclose that transmitting control signal data comprises transmitting OPC formatted data, or converting XML formatted data to OPC formatted data. However, Madden et al. does disclose that the system is built around an Internet network (e.g., [0062], [0066]), and it is well known to use XML formatted data in Internet networks. Additionally, it is well known to convert XML formatted data to OPC, the format commonly used in process control systems, such as that found in Madden et al. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madden to include this feature since the terminals and databases of Madden communicate with the PLC's through an internet based network protocol (Fig. 2), and the PLC's of Madden communicate with the manufacturing equipment through another communication format. Although Madden does not explicitly disclose that this format is OPC, it is well known in the art to use the OPC communication protocol when transmitting data between PLC's and manufacturing equipment.

Allowable Subject Matter

7. Claims 4, 11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Art Unit: 2125

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan A. Jarrett
Examiner
Art Unit 2125

9/3/04

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100